

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MAINE HUMAN RIGHTS COMMISSION and
PAULINE CHAMPAGE obo MICHAEL
MORIN,

Plaintiffs,

v.

WAL-MART STORES EAST, L.P.,

Defendant.

CIVIL ACTION
Docket No:

NOTICE OF REMOVAL

Defendant Wal-Mart Stores East, L.P. (“Walmart”), by counsel and pursuant to 28 U.S.C. § 1441 et seq., requests removal of a civil action commenced in the Kennebec County Superior Court, titled *Maine Human Rights Commission and Pauline Champagne obo Michael Morin v. Wal-Mart Stores East, Inc.*, Civil Action Docket No. AUBSC-CV-2020-00189. In support of removal, Defendant respectfully states as follows:

1. Plaintiffs commenced this action by filing a Complaint in Maine Superior Court, Kennebec County, on or about November 2, 2020, a copy of which is attached as Exhibit A to the Declaration of Katharine I. Rand (“Rand Declaration”).
2. On January 21, 2021, the Summons and Complaint were served upon Defendant.
3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely as it has been filed with this Court within thirty (30) days after receipt by Defendant through service of Plaintiff’s Complaint.

4. The United States District Court for the District of Maine is the federal judicial district encompassing the Superior Court of Kennebec, Maine, where this suit was originally filed. Venue, therefore, is proper in this district under 28 U.S.C. § 1441(a).

5. The Complaint includes claims arising under federal law; specifically, Count II of the Complaint seeks relief under the federal Americans with Disabilities Act, 42 U.S.C. § 12111 et seq. This Court therefore has original jurisdiction of this action pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(b) and 1446(a).

6. Walmart is a Delaware Corporation with a principal place of business located in Bentonville, Arkansas.

7. Plaintiff Maine Human Rights Commission is a quasi-independent agency of the State of Maine.

8. Plaintiff Pauline Champagne obo Michael Morin is an adult individual who resides in the Town of Skowhegan, County of Somerset, Maine.

9. In the Complaint, Plaintiff seeks judgment and monetary damages against Walmart and includes a request for attorneys' fees, non-economic damages, lost wages, pre- and post-judgment interest, civil penal damages, compensatory damages, and punitive damages. Although Plaintiff does not make a demand for a specific amount of monetary damages against Walmart in her *ad damnum* clause, the amount of damages sought by Plaintiff exceeds \$75,000. Under the statutory damages provision applicable to Plaintiffs' claim under the Maine Human Rights Act (5 M.R.S. § 4613), Plaintiffs may recover up to \$500,000 in combined compensatory and punitive damages. Under the statutory damages provision applicable to Plaintiffs' claim under the Americans with Disabilities Act (42 U.S.C. § 1981a), Plaintiffs may recover up to \$300,000 in combined compensatory and punitive damages.

10. Under 28 U.S.C. § 1332 (a)(1) & (c), this Court has original jurisdiction over this matter because the amount in controversy exceeds \$75,000 and the parties are completely diverse: (a) the Plaintiffs are both citizens of the state of Maine; and (b) Walmart is incorporated in Delaware with a principal place of business in Arkansas.

11. This Court having diversity jurisdiction in this matter under 28 U.S.C. § 1441(b), Walmart may remove this action by giving notice thereof to all adverse parties and by filing a copy of this Notice with the Clerk of Court for the Maine Superior Court, Kennebec County.

12. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint, Summons, and other papers served on Defendant are attached, being all the process, pleadings, and orders served upon Defendant.

13. Pursuant to 28 U.S.C. § 1446(d), Defendant this day is filing a copy of the Notice of Removal with the Kennebec County Superior Court, and sending copies of the notice to Plaintiffs' counsel.

WHEREFORE, Defendant Wal-Mart Stores East, L.P. respectfully requests that the above-captioned action be removed from the Kennebec County Superior Court to this Court.

Dated: February 10, 2021

/s/ Katharine I. Rand
Katharine I. Rand

/s/ Daniel R. Strader
Daniel R. Strader

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Counsel for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2021, I served a copy of Defendant's Notice of

Removal by electronic mail to the following:

Barbara Archer Hirsch, Esq.
Maine Human Rights Commission
51 State House Station
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Kristin L. Aiello, Esq.
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Augusta, ME 04330
kaiello@drme.org

Dated: February 10, 2021

/s/ Katharine I. Rand
Katharine I. Rand

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